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March 6, 2003 LB 250

CLERK: Mr. President, Senator Kremer would move to amend with AM0630. (Legislative Journal page 711.)

PRESIDENT HEINEMAN: The Chair would recognize Senator Kremer to open on AM0630.

SENATOR KREMER: Thank you, Mr. Lieutenant Governor and members. We've been kind of working on this for some time. And the committee amendments reflected this, but we still had some cleanup to do, so this...AM0630 is a cleanup of a version of AM0211, which we withdrew from General File and refiled on Select File. You will know from the committee statement that the definition of food establishments, regulated by the Nebraska Pure Food Act, is modified to no longer exclude all establishments that sell prepackaged and nonhazardous food. Establishments that sell only snack food items listed in Section 5 of the bill would continue to be exempt. As I explained on General File, it's the Department of Agriculture's recommendation to narrow this exclusion in order to bring under the Pure Food Act regulation of certain types of establishments that are increasingly involved in food sales, selling items such as cereals and pastas, canned foods, and other similar items. The department testified that it receives increasingly complaints regarding establishments that currently are exempt but which offer food offerings that is a significant and growing part of their business. Such complaints range from foods kept in proximity of pesticides or other chemicals, stored foods not protected from mice or insects, or damaged products. The department felt that it was time to bring many types of currently exempt establishments under the regulation of the Pure Food Act. And on General File, we adopted the committee amendments, which were intended to continue to exclude some establishments, such as pharmacies that sell foods...specialty foods. However, we believe the committee amendment defines the exclusion too broadly. And so, working with the pharmacies and some others, we would try to exempt...would exempt the Pure Food Act oversight some establishments that were intended to be brought into the act. The amendment I'm offering, therefore, would simply strike the committee amendment and insert in its place the new subsection (9), on page 7 of the bill. The